

Amendment dated February 14, 2006
Reply to Office Action dated 11/15/2005

Application No. 10/045,122

REMARKS/ARGUMENTS

The Office Action of November 15, 2005 has been reviewed and the comments therein were carefully considered. Claims 7-46 are currently pending in the present application. Claims 15-22, 45 and 46 are withdrawn. Claims 1-6 are cancelled. Claims 1-5 and 7-44 are rejected. No new matter has been introduced into the application.

Cancelled Claims

Claims 1-5 are cancelled by this response. The cancelling of claim 1-6 is without prejudice to the refilling of similar claims in a continuation application.

Amended Claims

Claim 30 has been amended to overcome informalities. Claim 31 has been amended to correct an error in dependency. No change in the scope of claim 30 was intended or believed made and no new matter was added.

Claim Objections

In the Office Action, claims 1 and 30 were objected to because of certain informalities.

Applicant has cancelled claim 1 and amended claim 30 to obviate this objection.

Claims 1-5, 7-14 and 23-44 were objected to because of certain informalities. It is believed that this submission overcomes this objection with a new facsimile.

Rejection under 35 USC §112.

Claims 7-14 and 23-25 stand rejected under 35 USC §112, first paragraph, as failing to comply with the written description requirement. In particular, the Office Action suggested that a reference to a switch that could simultaneously trigger a plurality of electrodes was not found in the application as filed.

In response Applicant points to paragraph 24 on page 7 of the specification as filed. As can be appreciated from the depicted embodiment, the switches, while connected to four output lines (see Figure 3 of the application as filed), can transmit the signal to any three output lines. As the signal (which means, but is not limited to, one signal) is being supplied to three output lines, this necessarily implies that the signal is being transmitted simultaneously. Therefore, a

Amendment dated February 14, 2006
Reply to Office Action dated 11/15/2005

Application No. 10/045,122

person of ordinary skill would understand that the specification as filed did disclose simultaneous triggering of a plurality of electrodes.

Accordingly, withdrawal of this ground of rejection is respectfully requested.

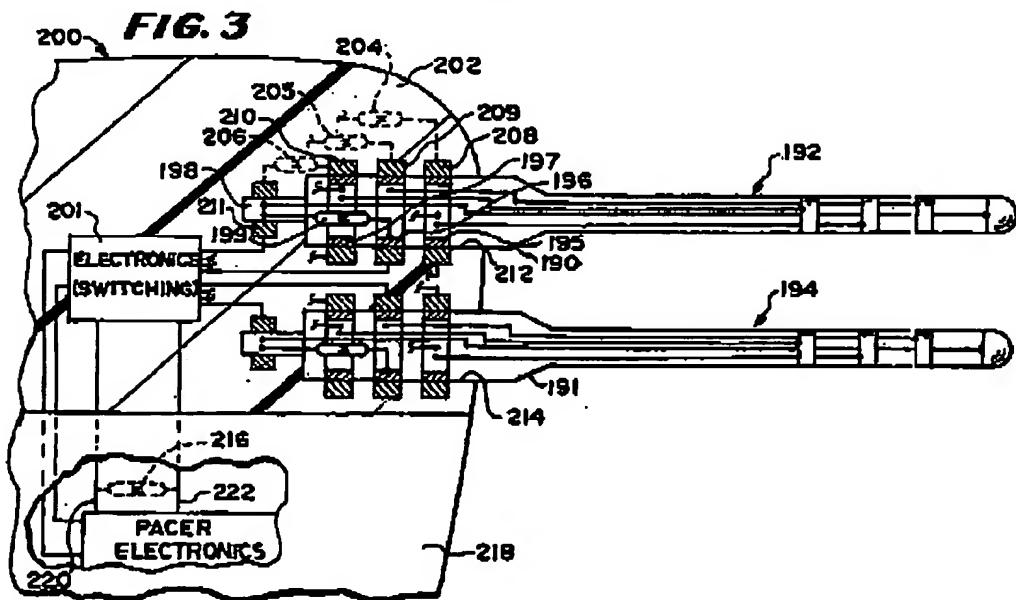
Rejection under 35 USC §102 – Witte & King

Claims 1-5 are rejected under 35 USC §102(e) as being anticipated by U.S. Patent No. 6,418,438 to Witte (Witte). Claims 1-5 are also rejected under 35 USC §102(b) as being anticipated by WO 97/37720 to King (King). Claims 1-5 have been cancelled, thus mooting these grounds of rejection.

Rejection under 35 USC §102 – Pohndorf

Claims 26-44 are rejected under 35 USC §102(b) as being anticipated by U.S. Patent No. 4,628,934 to Pohndorf, *et al.* (Pohndorf).

Independent claim 26 recites the term “distant.” The Office Action suggests that the term “distant” recited in claim 26 means “separated in space.” Applicant notes that as used in claim 26, this means there must be some space between the extension unit and the implantable pulse generator. The Office Action also suggests that the pacer neck 202 is separated from the pacer case 218. Figure 3 of Pohndorf is disclosed below:



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Application No. 10/045,122

Plainly, Pohndorf discloses that the pacer neck 202 and the pacer case 218 are joined together and thus there is no space between the two. Thus, even using the definition suggested by the Office Action, Pohndorf still fails to disclose the pacer neck 202 being "separated in space" from the pacer case 218. Applicant further notes that Pohndorf fails to disclose or suggest that the pacer neck 202 is a separate housing from the pacer case 218, thus there is nothing in Pohndorf to suggest that the pacer neck 202 and the pacer case 218 are not part of the same housing structure. In other words, even if one were to attempt to stretch Pohndorf beyond a fair reading of the disclosure, at most it could only be argued (and Applicant submits the argument would not be persuasive given the signal paths shown) that Pohndorf disclose separate housings that are not distant.

Therefore, as Pohndorf fails to disclose an extension unit that is distant from the implantable pulse generator, Pohndorf fails to disclose all the limitations of claim 26. As Pohndorf fails to disclose all the limitations of claim 26, Pohndorf cannot be said to anticipate claim 26.

Claims 27-39 depend from independent claim 26 and are not anticipated for at least the reasons claim 26 is not anticipated and for the additional limitations recited therein.

Claims 40-44 include the extension unit of claim 26 and therefore are not anticipated for at least the reasons that claim 26 is not anticipated and for the additional limitations recited therein.

Accordingly, withdrawal of this ground of rejection is respectfully requested.

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Application No. 10/045,122

In sum, Applicant respectfully requests consideration of the pending claims and a finding of their allowability. A notice to this effect is respectfully requested. Please feel free to contact the undersigned should any questions arise with respect to this case that may be addressed by telephone.

Respectfully submitted,

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By: 
Binal J. Patel,
Reg. No. 42,065

Banner & Witcoff, Ltd.
10 South Wacker Dr., Suite 3000
Chicago, IL 60606
Tel: 312-463-5000
Fax: 312-463-5001